

CITY UTILITIES COMMITTEE

MINUTES

JANUARY 29, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, January 29, 2008 at 9:17 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Natalyn M. Archibong
The Honorable Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Howard Shook

The following member was absent:

The Honorable Ceasar C. Mitchell, Vice-Chair

Others present at the meeting were: Councilmember Mary Norwood; Theresa Stewart, Stephanie Grant and Renee Sheperd, Law Department; Deputy Commissioners Shelia Pierce, Joseph Basista and George Barnes, Department of Watershed Management; Michele Wynn, Department of Public Works; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:17 a.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF THE AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

C. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

07-O-2600 (1) An Ordinance by Councilmember Mary Norwood **as amended by City Utilities Committee** to re-name Hills Ave., NW, from Defoor Hills Rd., NW to Chattahoochee Ave., NW, to Collier Rd., NW; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Public Hearing held 1/29/08)**
(Councilmember Muller made a motion to approve as amended.

FAVORABLE AS AMENDED

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ORDINANCES FOR SECOND READING (CONT'D)

- 08-O-0007 (2) An Ordinance by City Utilities Committee to **abandon** a portion of Solomon Street, SE located between Fraser Street and Martin Street consisting of 0.458 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 1/29/08)**
(Councilmember Muller made a motion to approve.)

FAVORABLE

D. COMMUNICATION

- 08-C-0108 (1) A Communication by Councilmember Jim Maddox appointing **Ms. Desiree Pernell** to serve as a member of the Keep Atlanta Beautiful Commission. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Young made a motion to approve.)

FAVORABLE - TO BE REFERRED TO COMMITTEE ON COUNCIL

E. ORDINANCES FOR SECOND READING

- 08-O-0189 (1) An Ordinance by Councilmember Cleta Winslow authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the completion of the Ralph David Abernathy Boulevard Streetscape, Lowery Boulevard Streetscape, and Harris Homes Streetscape, to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize of Sections 2-1541(d), 2-1542 and 2-1545(d) of the Code Ordinances; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.
(Councilmember Archibong made a motion to hold.)

HELD

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ORDINANCES FOR SECOND READING (CONT'D)

- 08-O-0192 (2) An Ordinance by Councilmember Carla Smith amending the Code of Ordinances of the City of Atlanta, Georgia to establish a uniform franchise fee applicable to all holders of a cable or video franchise issued by either the City of Atlanta or the State of Georgia pursuant to O.C.G.A. 36-76-1 et seq. known as the "Consumer Choice for Television Act" of 2007 by adopting Sections 138-140 and 138-140.1; to designate an agent; to provide for codification, to repeal conflicting ordinances;; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 08-O-0203 (3) An Ordinance by Councilmember Jim Maddox **as amended by City Utilities Committee** authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-07-26, (3494 Hogan Road, SW) applicant deposit a dollar amount (\$14,617.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 11; and for other purposes.
(Councilmember Shook made a motion to approve as amended.

FAVORABLE AS AMENDED

F. RESOLUTIONS

- 08-R-0158 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Rockdale Pipeline Inc./Integral Municipal Services, Inc., JV for FC-3007000044, Annual Contract for Pipe Laying, on behalf of the Department of Watershed Management, in an amount not to exceed \$40,373,142.84; all contracted to work will be charged to and paid from Fund, Account and Center Number: 2J27 (2001 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q65J08039999 (Water Mains, Various Locations); and for other purposes.
(Councilmember Smith made a motion to approve on condition.)

FAVORABLE ON CONDITION (1 ABSTENTION)
ARCHIBONG

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RESOLUTIONS (CONT'D)

- 08-R-0159 (2) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice-to-Proceed** to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture for FC-7619-03E, City Wide Annual Contract for Architectural and Engineering Services, Water Conservation Program Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$114,271.00; all contracted to work shall be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q71105 (Watershed Conservation Service); and for other purposes.
(Councilmember Shook made a motion to hold, Councilmember Young made a substitute motion to approve on condition the motion approve on condition failed 2 Yea's, 2 Nay's, 1 Abstention. Councilmember Shook made a motion to hold, the motion to hold passed 4 Yea's, 1 Nay)

HELD - (4 YEA'S) SMITH, SHOOK, YOUNG, (1 NAY) ARCHIBONG

- 08-R-0160 (3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice-to-Proceed** to Arcadis/Brindley Pieters & Associates, Joint Venture for FC-7619-03A, Annual Contract for Architectural and Engineering Services, Proctor Creek and Sandy Creek Basins SSO Capacity Relief Replacement Projects, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,204,220.00; all contracted to work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 08-R-0161 (4) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 4 with Jordan, Jones & Goulding, Inc./Delon Hampton & Associates, Chartered Engineers/Hatch Mott-MacDonald, Inc. for FC-7488-02A, Engineering Design Services for Combined Sewer Overflow ("CSO") Storage Tunnel Facilities (West), on behalf of the Department of Watershed Management in an amount not to exceed \$5,887,755.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consulting Professional Services) Q38I02679999 (CSO-West Tunnels); and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 08-R-0162 (5) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Turf Care Services, for FC-6007000069, Annual Contract for Grounds Maintenance Services with Turf Care Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$392,402.10; all contracted services will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-0163 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Ed Castro Landscape, Inc., for FC-6006007927, Annual Contract for Landscaping Services, on behalf of the Department of Watershed Management in an amount not to exceed \$275,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number 2J01 (Water and Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contracts) Q64001 (Drinking Water Facility Maintenance); and for other purposes.
(Councilmember Shook made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 08-R-0164 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Alberici Constructors, Inc./Willis Professional Services, Inc., Joint Ventures, for FC-3007000041, General Pump Station Improvements, on behalf of the Department of Watershed Management, in an amount not to exceed \$6,359,860.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension) 574001 (Facilities other than Buildings) Q37I150294DA (Pump Station Improvements); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

G. PAPERS HELD IN COMMITTEE

- 06-R-0563 (1) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns)**

HELD

- 06-O-0937 (2) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "***Riparian Buffer Requirements***"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1573 (3) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions)**

HELD

- 06-O-1947 (4) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department)**

HELD

- 07-R-0002 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

HELD

- 07-R-0750 (6) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Alberici Constructors, Inc./Willis Professional Services, Inc., a Joint Venture for FC-6007000029, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, on behalf of the Department of Watershed Management, in an amount not to exceed \$815,990.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Young made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0979 (7) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Fair Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.093 acre more or less, and being more specifically described as Tract "1" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

HELD

- 07-O-0980 (8) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Castleberry Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.115 acre more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

HELD

- 07-R-1214 (9) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-1477 (10) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**

HELD

- 07-O-1521 (11) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

HELD

- 07-O-2023 (12) An Ordinance by Councilmember Carla Smith, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-83, (701 Pershing Avenue, SE) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes. **(Held 9/25/07 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-2147 (13) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta ("City"), to enter into an Encroachment Agreement for non-conforming uses, with Zoo Atlanta, for the installation of twenty (20) Wayfinding Signs on the City's right-of-way; and for other purposes. **(Held 10/9/07 for further review)**

HELD

- 07-O-2505 (14) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

HELD

- 07-R-2597 (15) A Resolution by Councilmember Carla Smith **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$2,800.00 pursuant to the First Amended Consent Decree, Civil Action File No. 1:98-CV-1956-TWT; to identify the source of funding; and for other purposes. **(Councilmember Smith made a motion to approve on substitute.)**

FAVORABLE ON SUBSTITUTE

- 07-O-2604 (16) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2605 (17) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 08-R-0008 (18) A Resolution by City Utilities Committee authorizing the Mayor to accept on behalf of the City of Atlanta certain property at intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14th (FF) District, Fulton County Georgia, as described in the attached Exhibits "A" and "A-1" by execution of a Quitclaim Deed conveying land to the City for development of a Pump Station; and for other purposes. **(Held 1/15/08 for further review.)**

HELD

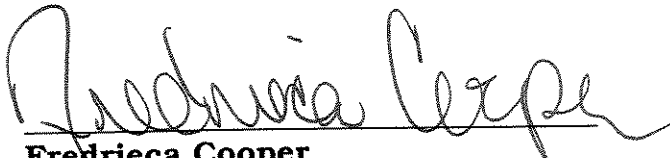
H. REQUESTED ITEMS

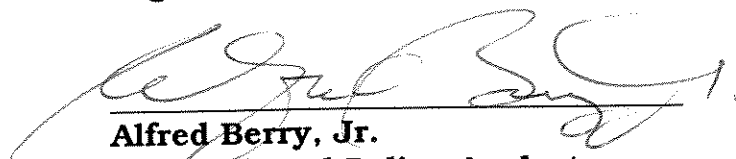
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.

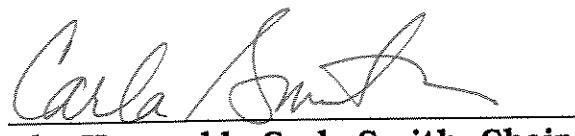
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There being no further business to come before the Committee, the meeting was adjourned at 11:26 a.m.

Respectfully Submitted:


Fredrica Cooper
Legislative Assistant


Alfred Berry, Jr.
Research and Policy Analyst


The Honorable Carla Smith, Chair
City Utilities Committee